



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CTS/152557

PRELIMINARY RECITALS

Pursuant to a petition filed October 03, 2013, under Wis. Stat. § 227.42, to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on November 12, 2013, at Milwaukee, Wisconsin. Subsequent to the hearing, the record was held open for 10 days for the Petitioner to submit additional information. On November 22, 2013, the Petitioner submitted a pay summary for her daughter from September, 2013 – November, 2013 and an employment verification dated October 1, 2013 indicating Petitioner's daughter is employed at [REDACTED] 15 – 25 hours/week at \$7.50/hour. The record was closed on November 22, 2013.

The issue for determination is whether the agency properly denied the Petitioner's application of October 1, 2013 for caretaker supplement benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Katherine May
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.

2. On September 30, 2013, the Petitioner submitted a renewal for healthcare, child care and FS benefits. The Petitioner reported that her daughter was employed at [REDACTED] LLC working 20 hours/week at \$7.50/hour. She also reported her daughter was no longer employed at [REDACTED].
3. On October 1, 2013, the agency processed the renewal as well as the Petitioner's request for caretaker supplement benefits for her grandchild.
4. On October 2, 2013, the agency issued a Notice of Proof Needed to the Petitioner indicating that she must submit verification of her daughter's employment status and income for [REDACTED] and [REDACTED]. The information due date was October 31, 2013.
5. On October 3, 2013, the Petitioner submitted verifications to the agency. The verification from [REDACTED] indicated the Petitioner's daughter was no longer employed effective September 25, 2013. The verification from [REDACTED] indicated that the Petitioner's daughter works 40 hours/week at \$7.50/hour.
6. On October 4, 2013, the agency issued a Notice of Decision to the Petitioner informing her that her application for caretaker supplement benefits was denied due to household income exceeding the program limit.
7. Petitioner has SSI income of 555.78/month and Social Security of \$187/month. Petitioner's daughter has gross earned income of \$645/month. The gross income limit for the program is \$576.
8. On November 22, 2013, the Petitioner submitted a pay summary for her daughter from September, 2013 – November, 2013 and an employment verification dated October 1, 2013 indicating Petitioner's daughter is employed at [REDACTED] 15 – 25 hours/week at \$7.50/hour.
9. On October 3, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

The Caretaker Supplement (CTS) is a cash benefit program. The program's benefit recipients are low-income parents who receive Supplemental Security Income (SSI) payments. These SSI parents receive CTS benefits for each of their eligible children.

Each group applying for CTS must pass two income tests.

The Gross Income Test compares the gross income to the gross income limit. For a group size of one, the limit is \$576. This test looks at gross deemed, earned and unearned income, including that of minors. Any CTS assistance group that passes this test may proceed to the final income test, the Net Income Test. Caretaker Supplement Handbook (CTS Handbook) § 3.2.1.2.

The Net Income Test compares the income that remains after certain deductions to the Net Income Limit. Deductions from gross income that are allowed include work related expenses for each employed individual; a dependent care deduction of \$200/month for each child under the age of 2; an earned income disregard of \$30; and child support paid to someone outside of the assistance group. The Net Income Test includes the income of all minors.

In this case, the agency used information available to it at the time regarding the Petitioner's daughter's earned income. Using that information, the agency determined that the gross earned income was \$645/month which exceeds the gross income limit. The Petitioner has now submitted different

information from her daughter's employer. Based on that information, it appears that the determination of eligibility for CTS benefits may be different.

Based on the additional information provided by the Petitioner, I cannot conclude whether the agency's determination regarding CTS eligibility was proper. I am remanding the matter back to the agency with the additional information about earned income supplied by the Petitioner for the agency to review. The agency will issue a new determination of eligibility and the Petitioner can file a new appeal if she disagrees with the agency's determination.

CONCLUSIONS OF LAW

Based on additional information, the agency must review and reconsider the determination regarding eligibility for CTS benefits.

THEREFORE, it is

ORDERED

That this matter is remanded to the agency to review and consider the additional information provided by the Petitioner (which will be forwarded to the agency with this decision). The agency shall take all administrative steps necessary to make a determination of CTS eligibility based on this new information and issue a new Notice of Decision to the Petitioner. These actions shall be completed within 10 days of the date of this decision.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 29th day of January, 2014

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 29, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability